Southern California School of
INTERPRETATION
Online

Sight Translation for Court Interpreters
English into Spanish

Class Manual

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SIGHT TRANSLATION #1

It is my understanding that the defendant had been charged with a 273.5 on November 10, 1999. He entered a no contest plea and he was sentenced to 90 days in county jail, straight. At the time he entered a no contest plea, he had been 15 days actual and 7 days for good time. I believe that this was his second encounter with the law. The first one was a strike. He was sent out to a state prison in Chino, California and served 2 years. He was released on parole and no violation of parole was reported as of this date. By the way, Your Honor, he was in Chino for a violation of 215, assault with a deadly weapon upon a minor with the enhancement of attempted rape. Your Honor, we understand that the offense committed by my client is a serious and violent felony. However, we believe that the strike was an isolated incident and my client should not be convicted for the rest of his life for an offense that he did admit having committed, and that he paid for. It seems that the People want to use his prior record to enhance my client's latest offense which as Your Honor knows is a wobbler. Hit and run, Your Honor, is generally a misdemeanor, but the People have indicated in their complaint, that they want it to be a wobbler for the time being, and that they will decide before the pretrial hearing, whether they will charge my client with misdemeanor hit and run or felony hit and run. I understand that the People have the right to file a complaint with a charge classified as a wobbler, but what I do not understand, is why this Court is allowing the People to base their decision on priors that are not related in any way or manner with the offense at hand. I respectfully request from you, Your Honor, that you rule in conformity with the law. Specifically with Section 291 of the Evidentiary Code.

Finally, Your Honor, case JV201938, has been overwhelmingly hard to counsel due to the nature of the charges and the fact that the Petition was not filed in accordance to the Welfare and Institution Codes, but rather, it was filed according to the Penal Code which we all know, is the code that governs adult offenders and not juvenile defendants. All these irregularities made it hard for the defense to properly prepare for the case and we had to overcome several hurdles that were placed by the Petitioner for either lack of knowledge of the law as it is applied to minors, or they purposely placed these hurdles to make the defense's job more complicated than what it actually should be. I believe that the Court should look at the case file of the Petitioner versus Roberto G. and find the Petitioner in contempt of court.

Submitted, Your Honor.

SIGHT TRANSLATION #2

Please be seated. In the matter of Antonio Rigoberto Paniagua, after reviewing the testimony of the police officers on duty at the time the victim was killed, along with the various documents and motions filed by both sides, I am inclined to grant a new trial on the grounds that the police officers called to testify in the original trial apparently were not truthful. It certainly bothers me, as an officer of this court, that these police officers took the stand in trial court, and related to the jury something that was not the truth. Officer Miranda stated during the trial, that he was on duty and he received a radio-call asking him to investigate a domestic violence incident. Furthermore, he testified that he met officer Hanks at the scene of the incident and that both officers went into the apartment complex to investigate what was happening. Both officers claimed on the stand, that neither one had a gun in his hand. In fact, both officers claimed that they did not fire any shots. However, the expert witness called to testify in this case, showed to the court and the jury convincing evidence that the officers' statements were not true. The expert witness said, and I am quoting from this testimony: "there were two types of casings found at the scene of the crime. One type matched the victim's gun, while the other type, matched the officer's gun.

In fact, after rifling the officers' weapons, our office was able to conclusively determine that two of the casings recovered from the body of the deceased, matched the officers' guns. I have no doubt of that and I am submitting evidence to that effect", end of quote. That two officers testified that they had never fired a shot, while the expert witness brings to the trial court conclusive evidence that they in fact, did fire their guns, is at the very least, disturbing to this court. Furthermore, two eyewitnesses testified that the officers had their weapons drawn and that they were ready to fire. One of these two witnesses characterized the officers as trigger-happy officers.

I have tried many cases on the bench and I have never found a case similar to this one. I am quite disturbed with the allegations made by the eyewitnesses during their testimony. I find that the case of Antonio Rigoberto Paniagua ought to be retried on or before November 10, 2001.

This order is final. Thank you for coming.

Defendant entered a guilty plea to Count III of the information. Said count charges the defendant with the commission of the crime of breaking and entering, in violation of Section 225 of the Penal Code. Defendant was asked by the court to waive and give up his constitutional rights even though he had already initialized the waiver form given to the clerk of the court. The defendant refused to waive and give up his constitutional rights alleging that he did not have to waive his rights in open court since he had already waived his constitutional rights in a prior appearance. The law clearly states that the defendant has to waive his rights at the time of entering his plea. Defense counsel asked for a brief recess to discuss this with his client. The Court gave defense counsel the opportunity to discuss this issue with his client. After a rather extended break, the defendant appeared before the Court and he waived and gave up his constitutional rights.

Defendant claims on appeal, that he was forced to waive his rights. He claims that his counsel told him that if he did not enter a guilty plea, and thus did not waive and give up his constitutional rights, the Court would commit him to more than 10 years in state prison.

Defendant claims that he was actuated and therefore, defendant wishes to change his plea. The Court determined that the defendant did not have the legal right to withdraw his plea solely on the grounds stated in his brief submitted to this Court on May 19, 2002. The Court found that the defendant had already signed a waiver form and therefore, he could not withdraw his plea solely on the fact that he was actuated by his counsel. The Court, however, called the attorney to testify in this matter and it was determined that defense counsel did not act improperly.

SIGHT TRANSLATION #6

On Thursday, October 20, 2011, Mario Lima was placed under arrest at 1023 No. Main street, after being observed exhibiting loud and tumultuous behavior, in a public place, directed at a uniformed police officer who was present investigating a report of a crime in progress. These actions on the behalf of Lima served no legitimate purpose and caused citizens passing by this location to stop and take notice while appearing surprised and alarmed.

On the above time and date, I was on uniformed duty in an unmarked police cruiser assigned to the Administration Section, working from 7:00 a.m. to 3:30 p.m. At approximately 12:44 p.m., I was operating my cruiser on Westwood Blvd near Main Street. At that time, I overheard a radio call for a possible break in progress at Main Street. Due to my proximity, I responded.

When I arrived at Main Street I radioed headquarters and asked that they have the caller meet me at the front door to this residence. I was told that the caller was already outside. As I was getting this information, I climbed the porch stairs toward the front door. As I reached the door, a female voice called out to me. I turned and looked in the direction of the voice and observed a white female, later identified as Lucia Ramos. Ramos, who was standing on the sidewalk in front of the residence, held a wireless telephone in her hand and told me that it was she who called. She went on to tell me that she observed what appeared to be two black males with backpacks on the porch of 23 No. Main Street. She told me that her suspicions were aroused when she observed one of the men wedging his shoulder into the door as if he was trying to force entry. Since I was the only police office on location and had my back to the front door as I spoke with her, I asked that she wait for other responding officers while I investigated further.

Suddenly three men approached us with knives and guns. They pointed the guns at me and took Ms. Ramos as a hostage. Right after they left the scene, I radioed for back up. Five units came to the scene and caught up with the car where Ms. Ramos was held captive. Officer James, badge number 489, stopped the car and arrested Mr. Lima at 1023 No. Main Street.

SIGHT TRANSLATION #7

Parole is a privilege, not a right, and many prisoners are refused parole when they first apply. Parole boards expect to hear a prisoner admit responsibility for his crimes. They also expect that the prisoner will take advantage of the programs made available in prison, such as, if appropriate, GED programs, Alcoholics Anonymous, and vocational training. They will also look at the prisoner's conduct during incarceration, and whether the prisoner has been cited for misconduct. (Typically, prisoners will be "ticketed" for their violations of prison rules, with offenses classified as "major" or "minor." A prisoner who was involved in a fight would likely be ticketed for a "major" offense, while a prisoner who yelled at a guard might be ticketed for a "minor" offense, depending on the circumstances. These "tickets" can be challenged through administrative hearings, but are usually upheld as valid.) They may also look at the prisoner's age, the amount of time he has served, the remaining time in his sentence, and his mental health. The exact criteria for parole vary from state to state.

Perhaps the most important assessment that the parole board attempts to assess is the likelihood that the prisoner will re-offend. Parole boards have no interest in releasing people into society who will commit more crimes, particularly given that the media will sometimes hold the parole board as responsible as the criminal in such cases. Increasingly, potentially dangerous offenders, such as sex offenders, are finding that they are never granted parole, even in states where they are eligible.

Some prisoners are not eligible for parole, either because of state policy, or because of the crime they committed. Some crimes carry a flat term of years, which must be completed without the possibility of parole. A defendant who is sentenced to "life" in prison will either be sentenced to "parolable life," or to "non-parolable life." If a person serving a "life" term is eligible for parole, he typically must serve fifteen or twenty years of his sentence before he can request parole. If a person is serving non-parolable life, he never becomes eligible for parole.

SIGHT TRANSLATION #8

As domestic violence awareness has increased, it has become evident that abuse can occur within a number of relationships. The laws in many states cover incidents of violence occurring between married couples, as well as abuse of elders by family members, abuse between roommates, dating couples and those in lesbian and gay relationships.

In an abusive relationship, the abuser may use a number of tactics other than physical violence in order to maintain power and control over his or her partner:

Emotional and verbal abuse:

Survivors of domestic violence recount stories of put-downs, public humiliation, name-calling, mind games and manipulation by their partners. Many say that the emotional abuse they have suffered has left the deepest scars.

Isolation:

It is common for an abuser to be extremely jealous, and insist that the victim not see her friends or family members. The resulting feeling of isolation may then be increased for the victim if she loses her job as a result of absenteeism or decreased productivity (which are often associated with people who are experiencing domestic violence).

Threats and Intimidation:

Threats -- including threats of violence, suicide, or of taking away the children -- are a very common tactic employed by the batterer.

The existence of emotional and verbal abuse, attempts to isolate, and threats and intimidation within a relationship may be an indication that physical abuse is to follow. Even if they are not accompanied by physical abuse, the effect of these incidents must not be minimized. Many of the resources listed in this book have information available for people who are involved with an emotionally abusive intimate partner.

SIGHT TRANSLATION #11

On the day of the allegedly illegal police action at the defendant's domicile, nothing out of the ordinary was taking place when the arresting officer approached the defendant's home and shouted: "This is a raid. Come out of your home with your hands up. You are surrounded."

The day of the bust, the defendant was at home with his two first cousins, who are want to be gang bangers, having a meeting of the minds, so to speak, as to how to carry out the next hold up. All three of them came out of the house with their hand below their back. The arresting officers went into the house searching for more people and for evidence that could corroborate the allegations made by prosecutors and by an eyewitness in his supplemental declarations made to one of the Deputy District Attorneys working in the case.

The defendant was in a one year work furlough as indicated by the additional exhibits attached to the motion to set aside evidence filed by the defense at the beginning of this case.

SIGHT TRANSLATION #13

The superseding indictment filed by the People in case number 7SE290293, includes four counts. Count one charges the defendant, Araceli Gutierrez, of having violated Section 187 of the Federal Penal Code, to wit: attempted murder. It is alleged in this complaint that Araceli Gutierrez, also known as Araceli Domingo Gutierrez, also known as Araceli Gutierrez Domingo, unlawfully and intentionally tried to harm, produce corporal injuries and/or kill the named victim herein, to wit: Maria Pedroza Martínez. Count two charges the defendant, Araceli Gutierrez, of having violated Section 209 of the Federal Penal Code, to wit: brandishing a deadly weapon, a Magnum and Wesson, semiautomatic, 45 gun. It is also alleged in this complaint that on February 12th, 1998, the aforementioned defendant tried to conceal a deadly firearm, to wit: a 45 Magnum and Wesson, a semiautomatic. Count three charges the defendant Araceli Gutierrez, also known as Araceli Domingo Gutierrez, also known as Araceli Gutierrez Domingo, of having violated Section 390 of the Federal Penal Code, to wit: Firing a deadly weapon against a police officer in the performance of his duties. It is also alleged in this complaint that the aforementioned defendant drove a vehicle, to wit: a Ford Escort, California license plate 3DHT548, along a highway, exhibiting a deadly firearm and firing it against other vehicles.

Count four charges the defendant of having violated Section 298 of the Federal Penal Code, to wit: Resisting arrest. The defendant in this case is on formal probation out of another District Court. The defendant is advised that by entering a no contest plea in this matter, such plea may be used to violate his probation granted in the other District Court.

The defendant has been offered a deal consisting of 21 years in state prison, straight time, without the possibility of parole. Mr. Araceli Gutierrez, you are hereby advised that in order to take this offer, you have to give up your constitutional rights. You have to give up your right to a court trial, your right to a jury trial, your right to confront and cross examine witnesses testifying against you, your right to self-incrimination. At this time, your attorney will explain those rights to you. You are hereby advised that your attorney has requested an indicated sentence in this matter. In order to evaluate your matter, the court will take a 10 minute recess. Thank you.

SIGHT TRANSLATION #15

May it please the Court, Counsel Kirk Kolbo, on behalf of the defendant, Mariano Cortez. I want to begin, Your Honor, for myself and my client, and on behalf of our entire defense team; by thanking Your Honor and the Court for the courtesy you have extended to all the parties and counsel throughout the trial of this matter. Our thanks extend to the Court's staff, to the Sheriff's Office, to the court reporters, to the court interpreters who have taken turns trying to keep up with the lawyers and the witnesses in this case. With respects to my closing arguments, Your Honor, I'm not going to try to be comprehensive. It's been a long enough trial, that a witness-by-witness, or document-by-document account would neither be practical nor useful. Instead, I want to take some time to focus on some areas that seem important and seem to have re-occurred throughout this case. There are of course, as the Court knows, three issues before the Court on the trial of this matter. And that certainly is what I intend to focus my remarks on. There is also, as the Court knows, a fourth issue before the Court concerning whether discrimination played a crucial and determining role in this case. After we held a *Pitchess Hearing,* we were able to obtain further information regarding the arresting officer and the complaints filed in his Department for either discriminatory conduct or excessive use of force in the performance of his duties. The jury had the opportunity to hear testimony from some of the victims of this cruel and unprofessional police officer. And let me remind the Court, as well as the jury, that most police officers are outstanding officers and citizens. This arresting officer is the exception to the rule. He is the one that arrested my client without probable cause. My client was simply driving northbound on Pacific Boulevard when, out of the blue, a black and white unit pulled him over without any reason whatsoever. I want to concentrate on the arrest since it is the starting point of this matter. However, I would kindly ask the Court for a 10-minute break in order to consult with one member of the defense team.

Thank You.

SIGHT TRANSLATION #17

The Court has considered the prosecution's motion for the imposition of sanctions for the failure of the defense to disclose in a lawfully, timely manner, a tape recording of the 29 July 2000 interview of defense witness, Maria Lopez, by defense investigator, William Pavelic. The Court has heard the argument of counsel. Penal Section Code 1054.3, requires the defense to disclose to the prosecution before trial, the names and addresses of the persons the defense intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of those persons.

As Lopez was being called to testify on 27 February at a conditional examination pursuant to Penal Code 1335, defense counsel belatedly revealed the existence of a second investigator's report regarding a statement made by Lopez. After a brief ex-parte hearing, pursuant to Penal Code 1054.7, the Court directed the defense to immediately disclose the second report to the prosecution. The Prosecution made several inquiries, assisted by the Court, as to the existence of any other reports, notes or tape recordings of either of Lopez's statements to Pavelic. Both Mr. Douglas and Mr. Monaco, clearly and unequivocally stated to the Court that no tape recording of either of Lopez's statements was in the possession of the defense. This assertion was false. The late disclosure resulted in a four-court-day delay of proceedings before the jury.

In fashioning the appropriate sanction for the delay of the disclosure of both the tape recording and second report, the Court must examine whether the delay was the result of inadvertence, negligence or an intentional act designed to gain a tactical advantage. The Court may also examine the history of discovery proceedings that have already taken place in this case, noting that the Court has already made a decision on finding that the defense deliberately and unlawfully withheld discoverable materials with the intent to gain a tactical advantage.

Lopez is an important witness for the defense because her testimony is that the defendant's automobile was parked on the street at the defendant's residence between 8:30 p.m. on 12 June, until it was impounded by the Los Angeles Police Department during the mid-morning hours of 13 June. This would conflict with the Prosecution's theory that the defendant used the car to travel to and from the crime scene. It would also support the defendant's alibi as proferred during Mr. Monaco's opening statement on behalf of the defendant.

SIGHT TRANSLATION #19

This is the case of the People versus Juan Martin Rodriguez and Pedro Prieto Quintanilla. In the case of Juan Martin Rodriguez, the defense has filed a motion to dismiss this matter on the grounds of lack of evidence. That motion is denied. The Court has determined that the evidence submitted by the prosecution during the preliminary hearing is sufficient to hold the defendant to answer for the violation of section 273.5 of the Penal Code, commonly known as domestic violence. Counsel for Mr. Pedro Prieto Quintanilla filed a motion to dismiss this matter on the grounds of lack of discovery on the part of the prosecution. After carefully reviewing this motion, the Court cannot dismiss a 187 case, based on lack of discovery alone. The Court has decided to grant the defense a continuance so that counsel for Mr. Prieto Quintanilla can obtain all the discovery necessary for the trial preparation. Furthermore, I order the prosecution to turn in to the defense each and every piece of evidence the prosecution expects to use during the trial. Failure to comply with this court order shall result in contempt of court and the corresponding punishment shall be applied to the prosecuting agency.

Mr. Martin Rodriguez and Mr. Prieto Quintanilla, you have the right to have a trial in your matter within 60 days from the date of the preliminary hearing. In your case, Mr. Prieto Quintanilla, your counsel has requested additional time to prepare for the trial. Before the Court can grant that continuance, the Court must be satisfied that you wish to waive and give up your right to a speedy trial. If you do not waive and give up your right to a speedy trial, I cannot grant the continuance requested by your own counsel and the trial will have to begin tomorrow morning.

Mr. Martin Rodriguez, in your matter, the trial may begin tomorrow. However, since the defense counsels have not filed a motion for severance of co-defendants, your trial must be held on the same date set for Mr. Quintanilla's trial. Thus, you will also have to waive and give up your right to a speedy trial. I understand that both co-defendants agree in waiving and giving up their right to a speedy trial. Therefore, trial will be set for July 24, at 9 a.m. in this Department. Thank you counsels. Mr. Rodriguez and Mr. Quintanilla.....I'll see you on the 24th.

SIGHT TRANSLATION #34

Drug paraphernalia would include any device or instrument that on its face is used for the production, packaging, distribution, or ingesting of a controlled substance. This encompasses a lot because police are trained to look for homemade paraphernalia as well as commercial products. They are also well aware that common household products are used for production, packaging, distribution, and ingesting and will use simple field tests to find trace residue of drugs after they seize these items. If trace residue of drugs is found...it's likely to be paraphernalia.

So, small scales, large amount of small baggies, spoons, cigarette paper, ash trays, anything resembling a roach clip, any tube-shaped glass, etc. So many folks get busted that the average street cop is well versed in drug culture. They are likely smarter than the tool who just got caught.

You are likely to get busted for paraphernalia because the possession charge requires some amount beyond trace amount to prosecute. The test can only determine the contents of the residue, such as pot. It cannot determine how much, when it was smoked, who smoked it, how many times, etc. The residue will just qualify it as paraphernalia.

It's a misdemeanor, and you will probably serve minimal jail time if any (jails are so overcrowded with violent offenders and felons, that misdemeanants get off pretty light). However, you will have a drug offense on your criminal record. Every time the cops confront you and run your ID, they will see the offense and start looking for probable cause that you are involved with drugs. This coupled with the reason they confronted you may get them the right to search your vehicle.
They can already search you legally (for their "safety").

SIGHT TRANSLATION #33

1. The defendant represents to the Court that the defendant is satisfied that his attorneys have rendered effective assistance. The defendant understands that by entering into this agreement, the defendant surrenders certain rights as provided in this agreement. The defendant understands that the rights of criminal defendants include the following:

a. If the defendant persisted in a plea of not guilty to the charges, the defendant would have the right to a speedy jury trial with the assistance of counsel. The trial may be conducted by a judge sitting without a jury if the defendant, the United States, and the judge all agree.

b. If a jury trial is conducted, the jury would be composed of twelve laypersons selected at random. The defendant and the defendant's attorney would assist in selecting the jurors by removing prospective jurors for cause where actual bias or other disqualification is shown, or by removing prospective jurors without cause by exercising peremptory challenges. The jury would have to agree unanimously before it could return a verdict of either guilty or not guilty. The jury would be instructed that the defendant is presumed innocent, that it could not convict the defendant unless, after hearing all the evidence, it was persuaded of the defendant's guilt beyond a reasonable doubt, and that it was to consider each charge separately.

c. If a trial is held by the judge without a jury, the judge would find the facts and, after hearing all the evidence and considering each count separately, determine whether or not the evidence established the defendant's guilt beyond a reasonable doubt.

d. At a trial, the United States would be required to present its witnesses and other evidence against the defendant. The defendant would be able to confront those witnesses and the defendant's attorney would be able to cross-examine them. In turn, the defendant could present witnesses and other evidence in defendant's own behalf. If the witnesses for the defendant would not appear voluntarily, the defendant could require their attendance through the subpoena power of the Court.

e. At a trial, the defendant could rely on a privilege against self-incrimination to decline to testify, and no inference of guilt could be drawn from the refusal of the defendant to testify. If the defendant desired to do so, the defendant could testify in the defendant's own behalf.